



GENERAL SESSION

HAZARDOUS WASTE MANAGEMENT COMMISSION (HWMC)

June 9, 2005

9:00 A.M.

Lewis and Clark State Office Building
Nightingale Creek Conference Room
1101 Riverside Drive
Jefferson City, MO 65101

COMMISSIONERS PRESENT

Patrick Gleason, Chairman
Tim Warren, Vice-Chairman
Ben Kessler
Susan Williamson
Norella Huggins
Derrick Standley
Paul Schmidt

CALL TO ORDER

Patrick Gleason, HWMC Chairman called the General Session to order at 9:30 A.M.

EXECUTIVE SESSION

An Executive Session was not held since there were no Executive Session Agenda Items.

APPROVAL OF MINUTES

Motion to approve the General Session April 18, 2005, minutes was made by Commissioner Kessler and seconded by Commissioner Warren.

Motion carried.

Motion to approve the Executive Session April 18, 2005, minutes was made by Commissioner Huggins and seconded by Commissioner Williamson.

Motion carried.

INTRODUCTIONS

Robert Geller, Interim Director, HWP, introduced and welcomed newly appointed HWMC Commissioners Derrick Standley and Paul Schmidt. Mr. Geller also congratulated Commissioner Susan Williamson on her reappointment to the HWMC. Mr. Geller reminded the Commissioners of the HWP Rules and Regulation Binders that were provided to them, also encouraging them to access the HWP Website for further information regarding the HWMC.

RECOGNITION OF FORMER CHAIRMAN BEN KESSLER

Chairman Pat Gleason presented former Chairman Ben Kessler with an HWMC plaque and an HWMC letter of appreciation from the Commissioners for his role and dedication as HWMC Chairman.

Motion was made by Commissioner Huggins and seconded by Commissioner Williamson that a thank you letter be sent from Commissioner Gleason, on behalf of the HWMC to former Commissioners Robert Saunders and Rusty Brown for their service as HWMC Commissioners.

Motion carried.

CERTIFICATION VERIFICATION OF FINANCIAL RESPONSIBILITY OF UNDERGROUND STORAGE TANKS-NOTIFICATION LETTERS

Shelley Woods, AGO, presented results and answered questions regarding the mailing of 154 certified Financial Responsibility of Underground Storage Tanks Notification Letters. Ms. Woods told the Commission that over 60 of the 154 facilities have purchased financial responsibility, since receiving the letter. She informed the Commission that facilities that showed no response received a second letter and a Settlement Agreement. Ms. Woods explained that the facility owners were being asked to sign the Settlement Agreement and pay a \$1,000 fine. If the facility failed to do so, then they would be referred to the AGO.

EATON HYDRAULICS INCORPORATED APPEAL RESOLUTION UPDATE

Don Dicks, Permits Section, gave a brief history, update and answered questions the Commissioners had regarding the Eaton Hydraulics Incorporated Unisys Appeal Resolution. Terry Satterlee, Lathrop and Gage, Unisys representative informed the Commission that Unisys was in agreement with the Eaton Hydraulic Incorporated Appeal Resolution and answered any questions the Commission had regarding the Appeal.

FEE BILL UPDATES

Dan Schuette, Interim Division Director, Air and Land Protection Division, gave a brief update on the status of the Fee Bill that was passed. Mr. Schuette assured the Commission that the Missouri Department of Natural Resources will work together to best utilize the Bill to meet the needs of the citizens of Missouri, regarding environmental cleanup issues.

DOE RUN COMPANY, BUICK RESOURCES RECYCLING FACILITY VARIANCE REQUEST

Robert Geller, Interim Director, HWP, and Rob Morrison, Permits Section Chief, gave a brief history and update on the Doe Run Company, Buick Resources Recycling Facility Variance Request. Mr. Scott Lamb and Mr. John Doyle, Doe Run representatives, followed with a detailed PowerPoint presentation and answered questions the Commissioners had regarding the Doe Run Company's process, procedures, and variance request.

Peter Price, Geological Survey and Resource Assessment Division, (GSRAD) was also present to address questions regarding possible geological effects (particularly collapses/sinkholes) of the facility's process and procedures. Mr. Price said that based upon similar physical characteristics of former collapsed sites, there is significant potential for collapse at the Doe Run Company, Buick Resources Recycling Facility. Mr. Price explained the difference between a catastrophic collapse and a significant collapse. He did not classify the possibility of collapse at the Doe Run Company, Buick Resources Recycling Facility as being a potential catastrophic collapse, and explained to the Commissioners what would be considered a catastrophic collapse. Mr. Price said that while there was no history of any prior collapses at the Doe Run Facility, the significant potential for collapse remains.

Rob Morrison, Permits Section Chief, addressed questions regarding the potential harm in remediating the removal of material already on the site verses capping it with a liner, saying that it is better to leave a cap in place. Mr. Morrison also explained to the Commissioners the tipping fees process, its structure, and what it will cost the state in regards to the Doe Run Company, Buick Resources Recycling Facility. Mr. Morrison said that the Variance would not offer a risk increase for further damage.

Ms. Shelley Woods, AGO, was also present to offer legal advice regarding the Variance Request.

Motion to grant the Doe Run Company, Buick Resources Recycling Facility Variance was made by Commissioner Huggins and seconded by Commissioner Kessler. The roll call was as follows:

Patrick Gleason, Chairman	Yes
Tim Warren, Vice-Chairman	Yes
Ben Kessler	Yes
Susan Williamson	Yes
Norella Huggins	Yes
Derrick Standlee	Yes
Paul Schmidt	Yes

Motion Carried.

REFERRALS TO THE AGO

Mike Martin, Enforcement Section, gave brief updates and answered questions regarding the following facilities brought before the Commission for referral to the AGO to compel compliance and pursue or negotiate a civil penalty:

B.M.T. Corporation (ST0005640)
Country Corner (ST0008704)
Kern's Grocery (ST0020388)
Price Motor Company (ST0006010)
Rowland's Amoco (ST0005496)

There was no action taken by the Commission regarding B.M.T. Corporation (ST0005604) Country Corner (ST0008704), or Price Motor Company (ST0006010).

Motion was made by Commissioner Warren and seconded by Commissioner Huggins to refer Kern's Grocery (ST0020388) to the AGO to compel compliance and pursue or negotiate a civil penalty: The roll was as follows:

Patrick Gleason, Chairman	Yes
Tim Warren, Vice-Chairman	Yes
Ben Kessler	Yes
Susan Williamson	Yes
Norella Huggins	Yes
Derrick Standley	Yes
Paul Schmidt	Yes

Motion carried.

Motion was made by Commissioner Huggins and seconded by Commissioner Kessler to refer Rowland's Amoco (ST0005496) to the AGO to compel compliance and pursue or negotiate a civil penalty: The roll was as follows:

Patrick Gleason, Chairman	Yes
Tim Warren, Vice-Chairman	Yes
Ben Kessler	Yes
Susan Williamson	Yes
Norella Huggins	Yes
Derrick Standley	Yes
Paul Schmidt	Yes

Motion carried.

PATTERSON OIL COMPANY'S SPIRIT #6 (ST0021253)

Mike Martin, Enforcement Section, gave a brief update and answered questions before the Commission on the status of the Patterson Oil Company's Spirit #6 (ST0021253). This was an information only item and no action was taken.

DRYCLEANING ENVIRONMENTAL RESPONSE TRUST (DERT) FUND UPDATE

Ken Koon, Brownfields/Voluntary Cleanup Program, gave an update and answered questions regarding the DERT Fund.

Motion was made by Commissioner Huggins and seconded by Commissioner Warren for the department to post the Regulatory Impact Report.

Motion carried.

TANKS RISK-BASED CORRECTIVE ACTION RULE UPDATE

John Balkenbush, Tanks Section Chief, presented a brief update on the Tanks Risk-Based Corrective Action Rule answering any questions from the Commissioners.

HWP MONTHLY REPORTS

Commissioner Huggins suggested that a one page executive summary be included in the Monthly Report. Mr. Geller said that the program would look into the possibility of including such a summary. Kathy Flippin, Enforcement Section Chief, informed the Commissioners that the report shows a decline in April 2005 of Underground Storage Tank Inspection Reports and a minimal number of Notices of Violations because of being short staffed and the possibility of an electronic malfunction of the report itself.

LEGISLATIVE UPDATES

Rob Morrison, Permits Section Chief, gave an update and answered questions the Commissioners had regarding HWP Fee Bill 225 and the Commission House Bill 824. Commissioner Huggins pointed out the importance and benefits of Commissions remaining autonomous and maintaining authority. Commissioner Huggins said that she had written a letter to Doyle Childers, Director, Department of Natural Resources, expressing a need for the Commission to modify its standing policy on appeals, also requesting that a stakeholder process be set up to do so.

PUBLIC INQUIRIES

There were no public inquiries at this time.

OTHER BUSINESS

There was no other business at this time.

FUTURE MEETINGS

There were no changes regarding future meetings as scheduled.

ADJOURNMENT

Motion to adjourn was made by Commissioner Kessler and seconded by Commissioner Warren.

Motion carried and the meeting was adjourned.

Respectfully Submitted,

Robbin Stout
Commission Secretary

APPROVED

Patrick Gleason-Chairman
Date: _____